

Remarks/Arguments

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action, but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the enclosed terminal disclaimer, amendments to the claims, and the following remarks.

B. Terminal Disclaimer

The Examiner stated that the terminal disclaimer filed on July 9, 2010 does not comply with 37 CFR 1.321(b) and/or (c) because the identifying serial number 10/599,075 is wrong and must be changed to serial number 10/599,079.

Attached hereto is a terminal disclaimer pertaining to U.S. Patent Number 7,674,045. As noted in our Supplemental Amendment of July 9, 2010, application number 10/599,079 has issued into U.S. Patent Number 7,674,045. Should a fee be necessary for filing the revised terminal disclaimer, please debit our account number 02-2275.

C. Double Patenting

Claims 1-6, 8 and 10 had been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent Number 7,674,045.

As noted above, attached hereto is a terminal disclaimer pertaining to U.S. Patent Number 7,674,045. Should a fee be necessary for filing the revised terminal disclaimer, please debit our account number 02-2275.

D. Claim Status and Comments

Claims 2-6, 8, 10 and 11 are pending. Claim 1 has been canceled and rewritten as claim 11. Claim 11 addresses all of the Examiner's rejections under 35 U.S.C. § 112. Claims 2, 4, 6, 8 and 10 have been amended merely to ensure proper antecedent basis is provided.

E. Claim Rejections – 35 U.S.C. § 112

Claims 1-6, 8 and 10 had been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 1 has been canceled herein and rewritten as claim 11. Claim 11 addresses all of the Examiners comments and/or questions. Applicants presume based on the amendments to claim 1, claims 1-6, 8 and 10 are now in condition for allowance.

F. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,

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Enclosure